

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **Melissa Lynn Nuyts v City of Algonac**

Docket No. **266471**

L.C. No. **04-002249-NI**

E. Thomas Fitzgerald, Judge, acting under MCR 7.211(E)(2), orders:

The appellants' brief submitted on January 19, 2006, is STRICKEN for failure to comply with the January 13, 2006, order of this Court. That order stated that appellants may raise the issue that they were not the proximate cause of the accident but that the claim of appeal remained closed as to the issue whether appellee suffered a serious impairment of a body function. The order struck appellants' prior brief and allowed them 14 days to file a conforming brief.

Despite the specific directive of the January 13, 2006, order, appellants' filed what appears to be the exact same brief that they had previously filed, including the same argument on the issue of whether appellee suffered a serious impairment of a body function. Because of the blatant disregard for this Court's prior order, Marcia L. Howe (P 37518), retained counsel for appellants, shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of \$250. Such costs are personal to the attorney and shall not be charged back to the client.

The Clerk is directed to submit this appeal on the involuntary dismissal docket if a conforming appellants' brief is not filed within 14 days of the Clerk's certification of this order.

The Clerk is further directed to return any nonconforming appellants' brief filed subsequent to entry of this order. The filing of a nonconforming appellants' brief shall not delay submission of this appeal for involuntary dismissal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 30 2006

Date

*Sandra Schultz Mengel*  
Chief Clerk